

DMA trilogues should result in clear, consistent rules across Europe

Ahead of the start this week of trilogues between the European Parliament, Council and Commission on the Digital Markets Act (DMA), EuroCommerce Director General Christel Delberghe said:

“The COVID pandemic has massively accelerated online sales, and platforms can offer traders, including SMEs, real benefits, increasing their visibility and access to a wider customer base, providing efficiency and reduced transaction costs. We ask co-legislators to ensure that the rules finally adopted are workable, clear for all players and do not create unnecessary burdens or costs. In particular, we ask that the DMA reflects fully the differences between the various services provided by platforms and avoids fragmentation of the single market.”

In a challenging and rapidly changing environment, retailers and wholesalers need a DMA providing legal certainty and incentives to grow and invest in robust omnichannel strategies within a properly functioning single market, with clarity for both gatekeeper and emerging platforms. This means maximum harmonisation, particularly in the scope of the DMA, and the practices regulated by it, with the European Commission as the main enforcer of the new rules to avoid fragmented enforcement undermining the single market.

We support the proposal for the Commission to specify, in a regulatory dialogue with stakeholders, how far an obligation applies to a certain platform service, in order to allow rules to be tailored to different types of business models. In this context we support the European Parliament proposal to define concepts such as ‘end user’ and ‘business user’ differently according to the type of core platform, but the definition of active end-user for e-commerce marketplaces should be solely linked to a monetary transaction or purchase.

Finally, we hope that, given the importance of the DMA for multiple stakeholders, the trilogue will be conducted in a fully transparent manner, and that any major new changes will be considered carefully for their impact on the development of a vibrant and competitive European platform market.

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Contact:

Neil McMillan - +32 479 40 22 41 - mcmillan@eurocommerce.eu

Rémi Guastalli - +32 456 17 72 53 – guastalli@eurocommerce.eu

www.eurocommerce.eu

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